

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Odessa Jackson,)	C/A No.: 1:19-2683-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Andrew M. Saul,)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	
)	

This matter is before the court on Plaintiff's motion for attorneys' fees. [ECF No. 28]. The parties consented to the undersigned's disposition of this case [ECF No. 24], and on August 10, 2020, the matter was referred to the undersigned by order of the Honorable David C. Norton, United States District Judge [ECF No. 25]. On August 19, 2020, the court reversed the Commissioner's decision that had denied Plaintiff's claims for Disability Insurance Benefits. [ECF No. 26]. Plaintiff then filed and documented, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("the EAJA"), a request totaling \$8,476.80 for attorneys' fees and \$400.00 for costs representing the filing fee. [ECF No. 28]. The parties subsequently filed a stipulation indicating agreement to attorneys' fees of \$8,000.00 and costs of \$400.00. [ECF No. 29]. Accordingly, the court grants Plaintiff's motion [ECF No. 28], as modified pursuant to the parties' stipulation [ECF No. 29], and

directs the Commissioner to pay Plaintiff a total of \$8,400.00, with \$8,000 representing attorney fees and \$400.00 representing costs under the EAJA. Such payment shall constitute a complete release from and bar to any and all further claims that Plaintiff may have under the EAJA to fees, costs, and expenses incurred in connection with disputing the Commissioner's decision. This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

Under *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528–29 (2010), EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Therefore, the court orders the EAJA fee to be made payable to Plaintiff and mailed to the business address of Plaintiff's counsel.¹

IT IS SO ORDERED.

November 19, 2020
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge

¹ Plaintiff's counsel may disburse these funds to satisfy valid liens or in accordance with a lawful assignment and may distribute earned fees to any attorney who assisted in drafting briefs in accordance with *Priestley v. Astrue*, 651 F.3d 410 (4th Cir. 2011).